



Docket No.
694231/0011
JJD:JFD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: McFaddin et al.

Group Art Unit: 2152

Application No.: 10/077,282

Examiner: Not Yet Assigned

Filed: February 14, 2002

For: **METHOD AND SYSTEM FOR DELIVERING A COMPOSITE
INFORMATION STREAM OVER A COMPUTER NETWORK**

Date: January 22, 2003

Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

RECEIVED
JAN 27 2003
OFFICE OF PETITIONS

**SUPPLEMENTAL DECLARATION OF JAMES J. DECARLO IN SUPPORT OF
PETITION TO ACCEPT THE SIGNATURE OF TWO JOINT INVENTORS
ON BEHALF OF THEMSELVES AND ON BEHALF OF A JOINT INVENTOR
WHO REFUSES TO JOIN IN THE APPLICATION (37 CFR § 1.47(a))**

I, JAMES J. DECARLO, hereby declare that:

1. I am a citizen of the United States, a registered patent attorney at the law firm of Stroock & Stroock & Lavan LLP, having offices at 180 Maiden Lane, New York, NY 10038, and attorney for signing applicants and Assignee Yahoo!, Inc., a corporation having offices at 701 First Ave., Sunnyvale, CA 94089, hereinafter referred to as "Yahoo!"

2. This "Supplemental Declaration of James J. DeCarlo In Support of Petition To Accept The Signature Of Two Joint Inventors On Behalf Of Themselves And On Behalf Of A Joint Inventor Who Refuses To Join In the Application (37 CFR § 1.47(a))" ("Supplemental Declaration") is being made to supplement my "Declaration of James J. DeCarlo In Support of Petition To Accept The Signature Of Two Joint Inventors On Behalf Of

Themselves And On Behalf Of A Joint Inventor Who Refuses To Join In the Application (37 CFR § 1.47(a))” previously submitted on October 11, 2002 (the “Prior Declaration”).

3. I make this Supplemental Declaration to provide additional facts in support of a Petition To Accept The Signature Of Two Joint Inventors On Behalf Of Themselves And On Behalf Of A Joint Inventor Who Refuses To Join In The Application (37 CFR § 1.47(a)), previously submitted on October 11, 2002. The two signing joint inventors are Justin P. Madison and Michael D. Bigby. The joint inventor who refuses to join in the application is James E. McFaddin.

4. This Supplemental Declaration is being made based on my first-hand knowledge of the facts recited herein.

5. As stated in the Prior Declaration, the United States Patent and Trademark Office issued a Notice To File Missing Parts—Filing Date Granted, for U.S. Patent Application Ser. No. 09/859,562, on July 16, 2001.

6. As also stated in the Prior Declaration, Mr. McFaddin had repeatedly refused to sign U.S. Patent Application Ser. No. 09/859,562.

7. During the pendency of U.S. Patent Application Ser. No. 09/859,562, on February 14, 2002, applicants filed the present patent application, U.S. Patent Application Ser. No. 10/077,282. U.S. Patent Application Ser. No. 10/077,282 claimed priority to U.S. Patent Application Ser. No. 09/859,562, and contained a specification, drawings and set of claims that was identical to those of the earlier application. This was done in effort to continue efforts to secure Mr. McFaddin’s cooperation.

8. In the intervening months after Mr. McFaddin first refused to sign, Mr. McFaddin retained counsel, Arthur Navarro, Esq., of Godwin Gruber, P.C. of Dallas Texas. I continued for months to seek Mr. McFaddin’s cooperation through his counsel, however, Mr. Navarro advised me that Mr. McFaddin would not sign an application that did not name Mr.

McFaddin as a sole inventor, and that Mr. McFaddin was requesting a six-figure payment from Yahoo!. I was once again advised by telephone, in August of 2002, with finality, that Mr. McFaddin would not cooperate. Nonetheless, a copy of the Application Ser. No. 10/077,282 and corresponding Declaration were sent to Mr. Navarro on September 18, 2002, via Federal Express along with a cover letter. The cover letter specifically invites a response if Mr. McFaddin had a change of heart and was willing to sign the Application Ser. No. 10/077,282. No subsequent response was ever received, and Mr. McFaddin's and his attorney's silence is a clear manifestation of Mr. McFaddin's continued refusal to sign the subject Application Ser. No. 10/077,282. Copies of the cover letter, application with Declaration, and a Federal Express confirmation of receipt statement, are attached as Exhibits 1-3 respectively.

9. To date I have not received a signed Declaration from Mr. McFaddin for Application Ser. No. 10/077,282, nor do I believe I ever will.

10. Accordingly, I respectfully request that the Commissioner reconsider and allow the Petition To Accept The Signature Of Two Joint Inventors On Behalf Of Themselves And On Behalf Of A Joint Inventor Who Refuses To Join In The Application (37 CFR § 1.47(a)).

I hereby declare that all statements made herein of my own knowledge are true; and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that willful false statements may jeopardize the validity of the application, any patent issuing thereon or any patent to which this verified statement was directed.

Dated: _____

1/22/03


James J. DeCarlo